

**Amendments to the Drawings:**

Four (4) pages of Replacement Sheets are submitted herewith including Figs. 1, 3, 4 and 5. Applicant respectfully submits that no new matter has been added by the submission of the Replacement Sheets.

### **REMARKS/ARGUMENTS**

The drawings were objected to under 37 C.F.R. 1.83(a) for allegedly not showing every feature of the invention specified in the claims. The Specification and Abstract were objected to for alleged informalities. Claims 29 to 32 and 47 were objected to for alleged informalities. Claims 23, 24, 26, 27, 37 to 41, and 44 to 47 were rejected under 35 U.S.C. 102(e) as being anticipated by Schachtl (US 2004/0244294 A1). Claim 33 was rejected under 35 U.S.C. 103(a) as being unpatentable over Schachtl (US 2004/0244294 A1) in view of alleged obvious common knowledge. Claims 25, 28 to 32, 34 to 36, 42 and 43 were objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The Specification has been amended.

The Abstract has been amended.

Claims 23 to 25, 29, 30, 37 to 39, 41 to 47 have been amended.

Claims 48 and 49 have been added.

Replacement Sheets are submitted herewith including Figs. 1, 3, 4 and 5.

Reconsideration of the application is respectfully requested.

#### **Specification Objections:**

The Specification and Abstract were objected to for alleged informalities.

Paragraphs [0036] and [0053] and the Abstract have been amended in view of the objections.

Withdrawal of the specification objections is respectfully requested.

#### **Drawing Objections:**

The drawings were objected to under 37 C.F.R. 1.83(a).

Four (4) pages of Replacement Sheets are submitted herewith including Figs. 1, 3, 4 and 5. Applicant respectfully submits that the Figures in the Replacement Sheets overcome the Examiner's objections and that no new matter has been added by the submission of the Replacement Sheets.

Withdrawal of the drawing objections is respectfully requested.

Claim Objections:

Claims 29 to 32 and 47 were objected to for alleged informalities. Claims 25, 28 to 32, 34 to 36, 42 and 43 were objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 29, 30 and 47 have been amended in view of this objection.

Claim 25 has been amended to be in independent form and to include all of the limitations of base claim 23. Claims 24, 26, 37 to 39 and 41 to 44 have been amended to depend from independent claim 25. After amendment, Claims 24 and 26 to 44 depend, directly or indirectly, on claim 25. It is respectfully submitted that claims 24 to 44 are allowable.

Withdrawal of the claim objections is respectfully requested.

35 U.S.C. 102(e) Rejections:

Claims 23, 24, 26, 27, 37 to 41, and 44 to 47 were rejected under 35 U.S.C. 102(e) as being anticipated by Schachtl.

Claims 24, 26, 27, 37 to 41 and 44 to 47 are now dependent on claim 25, which has now been rewritten in independent form.

Schachtl discloses a drive for pivoting a vehicle door or flap which is connected to a hinge part in a rotationally fixed manner. The aim is to provide one such drive which is as compact as possible, the coupling between the drive and the hinge part being arranged in a simple manner and in such a way that it is as invisible as possible for a user. (See Abstract).

Claim 23 recites, after amendment, a hinge for a vehicle flap, comprising: a first hinge part, the first hinge part being fastenable to one door arrangement part, the one door arrangement part being one of a vehicle flap and a vehicle flap frame, a second hinge part, the second hinge part being fastenable to another door arrangement part, said another door arrangement part being the other of the vehicle flap and the vehicle flap frame; a hinge pin connecting the first hinge part and the second hinge part to each other in a pivotably manner about a pivot axis, the hinge pin being accommodated in a rotationally fixed manner in one of the two hinge parts and being mounted pivotably in the other of the two hinge parts, a lever arrangement coupling the first

hinge part to the second hinge part, the lever arrangement comprising at least one first lever and one second lever, the first lever being connected pivotably to the one of the first and second hinge parts being fastenable to the vehicle flap, and the second lever being pivotably received on the other of the first and second hinge part being fastenable to the vehicle flap frame, a motor being arranged on said one of the first and second hinge parts by a mount, wherein the first lever of the lever arrangement can be driven rotationally by the motor.

Schachtl does not teach or show, as now recited in claim 23, the requirement of "a lever arrangement ... comprising at least one first lever and one second lever, the first lever being connected pivotably to the one of the first and second hinge parts being fastenable to the vehicle flap, and the second lever being pivotably received on the other of the first and second hinge part being fastenable to the vehicle flap frame." Schachtl discloses a lever arrangement 9 coupling drive shaft 11 of motor drive 7 with hinge pin 4. Therefore, second lever 12 is not pivotably received on one of a vehicle flap and a vehicle flap frame, but instead is fixedly connected to hinge pin 4. Furthermore, Schachtl does not teach to arrange the motor drive on one of the hinge parts directly, but instead teaches to mount the motor drive on the vehicle frame outside the hinge parts.

Since Schachtl does not disclose this limitation, it does not render claim 23 unpatentable under §102(e).

Claim 45 requires a hinge for a vehicle flap, comprising:

a first hinge part, the first hinge part being fastenable a vehicle, a second hinge part, the second hinge part being fastenable to a vehicle flap frame; a hinge pin connecting the first hinge part and the second hinge part to each other in a pivotably manner about a pivot axis, the hinge pin being accommodated in a rotationally fixed manner in one of the two hinge parts and being mounted pivotably in the other of the two hinge parts, wherein a web protrudes from the first hinge part; and a lever arrangement coupling the first hinge part to the second hinge part, the lever arrangement comprising at least one first lever and one second lever, the first lever being connected pivotably to the web of the first hinge part about a first axis, and the second lever being connected pivotably to the second hinge part about a second axis, wherein the first lever is

connected pivotably to the second lever about a third axis.

Schachtl does not teach the claim requirement of “a lever arrangement ... comprising at least one first lever and one second lever, the first lever being connected pivotably to the web of the first hinge part about a first axis, and the second lever being connected pivotably to the second hinge part about a second axis, wherein the first lever is connected pivotably to the second lever about a third axis.” Instead, Schachtl discloses a lever 9 comprising a first lever 10, a second lever 12 and a third, intermediate lever 13, 14 being arranged between the first lever 10 and second lever 12. First lever 10 and second lever 12 are not pivotably connected about a third axis, but are moveable with respect to each other in a plane being perpendicular with respect to the hinge axis. Furthermore, second lever 12 is not pivotably connected to the second hinge part, but instead is received on hinge pin 4. Moreover, there is no web protruding from the first hinge part. Since Schachtl does not disclose this limitation, it does not render claim 45 unpatentable under §102(e).

Withdrawal of the rejections under §102(e) is respectfully requested because Schachtl does not render claims 23 and 45 to 47 unpatentable under §102(e) and because the remaining claims now depend on an objected to but otherwise allowable claim that has been rewritten in independent form.

35 U.S.C. 103(a) Rejections:

Claim 33 was rejected under 35 U.S.C. 103(a) as being unpatentable over Schachtl in view of alleged obvious common knowledge.

Claim 33 is dependent on claim 26, which is now dependent on claim 25, which has been amended to include all of the limitations of base claim 23. As such, Applicant submits that claim 33 is allowable.

Withdrawal of the rejections claim 33 under §103(a) is respectfully requested.

New Claims:

New claims 48 and 49 have been added. Support may be found in the specification at, for example par. [0034].

**CONCLUSION**

The present application is respectfully submitted as being in condition for allowance and applicants respectfully request such action.

Respectfully submitted,  
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